

**REMARKS**

Claims 1-8 and 10-25 are resubmitted, claims 1, 10, and 20 are hereby amended, claim 9 is hereby canceled, and claims 26-66 are hereby canceled since they have been withdrawn from consideration.

**Status of Claims**

Claims 1, 3-4, and 6-9 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 6,475,435 ("Taggart").

Claims 1-25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Taggart in view of U.S. 4,88,936 ("Takehana").

In response, claims 1, 10, and 20 are hereby amended. Support for the limitation added to claims 1, 10, and 20 reciting that the arms are "rotatably affixed" to the frame can be found in the specification at page 10, lines 10-15.

**Taggart**

Taggart discloses a system capable of sterilizing and capping bottles. The system includes a spray apparatus 126 having nozzles 122 for spraying a sterilant (e.g., hydrogen peroxide) into bottles 12, as described at col. 8, lines 33-62. The system also includes a sterile air supply system 146 for spraying sterile air through nozzles 150 into bottles 12 (after the bottles have been sprayed by apparatus 126). The system includes reels 210 (shown in Fig. 13) for translating "daisy chains" 202 of lids 200 over the tops of bottles 12 (after the bottles have been sprayed with air by nozzles 150).

Each of the reels 210 (shown in Fig. 13) dispenses a daisy chain 202 of lids 200. Taggart teaches at col. 12, lines 26-63 that each chain 202 "winds off

of a corresponding reel" 210. When a lid 200 (of a chain 202) has approached an open bottle 12 (below the lid), the lid is sealed on the bottle by heat sealing apparatus 214 (shown in Fig. 13). Heat sealing apparatus 214 includes a heated platen 216 which applies heat and pressure against each lid 200 to form a seal between the lid and the bottle 12 therebelow.

Taggart fails to teach or suggest:

1. a cap chute end subassembly for capping a container, comprising:  
a frame (supporting a fluid shoe) configured to hold a plurality of caps;  
a wiper supported by the frame; or  
a pair of arms operatively adjacent the wiper and rotatably affixed to the frame, wherein the pair of arms hold a least one of the caps for receipt by said container (as recited in amended claim 1); or
3. a "frame" which supports a fluid shoe and is configured to hold or receive a plurality of caps (for capping a container) (as recited in amended claim 1, 10, or 20); or
4. a wiper supported at a dispensing end of a frame, wherein the frame supports a fluid shoe or a gas shoe (as recited in amended claim 10 or 20); or
5. a pair of arms operatively adjacent a fluid shoe, said pair of arms being rotatably affixed to a frame and configured to hold at least one cap and to orient caps to a plurality of containers (as recited in amended claim 10); or
6. a pair of arms operatively adjacent a gas shoe, said pair of arms being rotatably affixed to a frame and configured to hold at least one cap and to orient caps such that non-oxygen bearing gas is directed into the caps and then into a plurality of containers (as recited in amended claim 20).

Even if one assumes for the sake of argument that Taggart's lids 200 correspond to the caps recited in claim 1, 10, or 20, and that Taggart's nozzles 150 are (or Taggart's sterile air supply system 146 which includes nozzles 150 is) a "fluid shoe" or "gas shoe" as recited in claim 1, 10, or 20, Applicant is unable to identify any teaching or suggestion determinable from Taggart that a single "frame" both holds lids 200 and supports Taggart's sterile air supply system 146 (or nozzles 150 thereof). On the contrary, Taggart teaches that lids 200 are supported by lid sterilization and heat sealing apparatus 162 (specifically by reels 210 of apparatus 162), and shows sterile air supply system 146 (including nozzles 150 thereof) positioned far from apparatus 162. Applicant thus contends that Taggart fails to teach or suggest a frame which supports a fluid shoe (or gas shoe) and is also configured to hold or receive a plurality of caps (as recited in amended claim 1, 10, or 20).

Applicant also respectfully contends that Taggart's element 216 is not a "wiper" as suggested in the Office Action. Rather, Taggart's element 216 is a heated platen of a heat sealing apparatus 214. Heated platen 216 applies heat and pressure against each lid 200 to form a seal between the lid and a bottle 12 below the lid. There is no teaching or suggestion determinable from Taggart that platen 216 functions as a "wiper" to apply wiping force to a lid (or cap) as the lid (or cap) sweeps past the wiper. An example of a "wiper" as recited in claim 1, 10, or 20 is the simple, fixedly mounted arm 19 shown in Fig. 1a of the application, which applies wiping force to caps 14 as each cap 14 (and the bottle 13 on which cap 14 has been positioned) translates past arm 19. Applicant thus contends that Taggart fails to teach or suggest a wiper as recited in claim 1, 10, or 20.

Taggart teaches at col. 17, lines 50-64, that Taggart's bottles should be conveyed through the various "index stations" (including the station at which platen 216 operates) based on an "indexing motion." This implies that each

bottle is stationary when Taggart's platen 216 applies heat and pressure to the lid on such bottle, and that the bottle (with lid sealed thereto) then is moved away from platen 216 after platen 216 has completed its sealing operation. In such an operation, platen 216 would not apply "wiping" force to any lid (or bottle) as the lid or bottle translates past platen 216. Applicant thus contends that platen 216 is not a wiper as recited in claim 1, 10, or 20.

Applicant also respectfully contends that Taggart fails to disclose or suggest a "pair of arms" operatively adjacent a wiper and rotatably affixed to a frame (as recited in amended claim 1) or operatively adjacent a fluid shoe or gas shoe and rotatably affixed to a frame (as recited in amended claim 10 or 20) as contended by the Examiner. The Examiner did not identify any specific teaching in Taggart of such a pair of arms, and Applicant is unable to identify any such teaching in Taggart. Rather than a "pair of arms" for holding a cap, Taggart discloses reels 210 (shown in Fig. 13). Each reel 210 dispenses a "daisy chain" 202 of lids 200 in the sense that each chain 202 "winds off of a corresponding reel" 210 as taught by Taggart at col. 12, lines 26-63. An example of the pair of arms recited in claims 1, 10, and 20 is the pair of arms 22 (which are spring-biased together by springs 25) shown in Figs. 1a and 2 of the application. It cannot reasonably be contended that any of Taggart's reels 210 corresponds to a "pair of arms" as recited in claim 1, 10, or 20, because no such "reel" includes either a single arm or a pair of arms.

Taggart also fails to teach or suggest a cap chute end subassembly comprising a pair of arms operatively adjacent a wiper which hold a cap for receipt by a container (as recited in amended claim 1). Taggart also fails to teach or suggest a cap chute end subassembly comprising a pair of arms operatively adjacent a fluid shoe and configured to hold at least one cap and to orient a plurality of caps to a plurality of containers (as recited in amended claim 10). Taggart also fails to teach or suggest a cap chute end subassembly (for

capping a plurality of in-line containers) comprising a pair of arms operatively adjacent a gas shoe, said pair of arms being configured to hold at least one cap and to orient caps such that non-oxygen bearing gas is directed into the caps and then into a plurality of containers (as recited in amended claim 20).

### Takehana

Takehana discloses an apparatus for applying caps to bottles. The apparatus includes cap press 9 (shown in Fig. 2) for pressing a cap 8 on each bottle. A nozzle (e.g., the unlabeled nozzle at the left side of Fig. 2) ejects non-oxidizing gas toward the mouth of each uncapped bottle just before a cap is pressed onto the bottle's mouth. Optionally, the nozzle has inlets 13 (shown in Figs. 3A and 3B) into which liquid spilled (from within each bottle) is sucked during the capping operation.

The Examiner has not taken the position that Takehana teaches or suggests any element of claim 1 other than a fluid shoe, a wiper, and "holding arms" (apparently a reference to a "pair of arms" operatively adjacent a wiper as recited in claim 1). Applicant respectfully contends that even if one assumes for the sake of argument that Takehana discloses a fluid shoe and a wiper of the type recited in claim 1, Takehana neither teaches nor suggests any other element of claim 1. In particular, Takehana fails to teach or suggest a "pair of arms" operatively adjacent a wiper and rotatably affixed to a frame, wherein the pair of arms hold at least one cap for receipt by a container (as recited in amended claim 1). In particular, Takehana fails to teach or suggest such a "pair of arms" with reference to Fig. 2, even if one assumes for the sake of argument that cap press 9 of Takehana's Fig. 2 is a "wiper" of the type recited in claim 10.

The Examiner has not taken the position that Takehana teaches or suggests any element of claim 10 other than a fluid shoe, a wiper, and "holding

arms" (apparently a reference to a "pair of arms" operatively adjacent a fluid shoe and configured to hold at least one cap and to orient a plurality of caps to a plurality of containers, as recited in amended claim 10). Applicant respectfully contends that even if one assumes for the sake of argument that Takehana discloses a fluid shoe and a wiper of the type recited in claim 10, Takehana neither teaches nor suggests any other element of claim 10. In particular, Takehana fails to teach or suggest a cap chute end subassembly (for capping a container) comprising a "pair of arms" operatively adjacent a fluid shoe, rotatably affixed to a frame, and configured to hold at least one cap and to orient a plurality of caps to a plurality of containers (as recited in amended claim 10). Takehana fails to teach or suggest such a "pair of arms" with reference to Fig. 2, even if one assumes for the sake of argument that cap press 9 of Takehana's Fig. 2 is a "wiper" of the type recited in claim 10.

The Examiner has not taken the position that Takehana teaches or suggests any element of claim 20 other than a fluid shoe, a wiper, and "holding arms" (apparently a reference to a "pair of arms" operatively adjacent a gas shoe, said pair of arms being configured to orient caps such that non-oxygen bearing gas is directed into the caps and then into a plurality of containers, as recited in amended claim 20). Applicant respectfully contends that even if one assumes for the sake of argument that Takehana discloses a fluid shoe and a wiper of the type recited in amended claim 20, Takehana neither teaches nor suggests any other element of amended claim 20. In particular, Takehana fails to teach or suggest a cap chute end subassembly (for capping a plurality of in-line containers) comprising a "pair of arms" operatively adjacent a gas shoe, said pair of arms being rotatably affixed to a frame and configured hold at least one cap and to orient caps such that non-oxygen bearing gas is directed into the caps and then into a plurality of containers (as recited in amended claim 20). Takehana fails to teach or suggest such a "pair of arms" with reference to Fig. 2, even if one assumes for the sake of argument that cap press 9 of

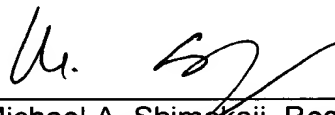
Takehana's Fig. 2 is a "wiper" of the type recited in claim 20. Even if the unlabeled gas nozzle at the left side of Takehana's Fig. 2 is considered to be a gas shoe, there is no pair of arms (or other element) in the apparatus of Takehana's Fig. 2 (nor any element disclosed elsewhere in Takehana) that orient caps such that non-oxygen bearing gas is directed first into a cap and then into a container.

### CONCLUSION

Applicant requests reconsideration and withdrawal of the rejection of claims 1-8 and 10-25, as amended. In the event the examiner wishes to discuss any aspect of this response, please contact the attorney at the telephone number identified below.

Respectfully submitted,

By:

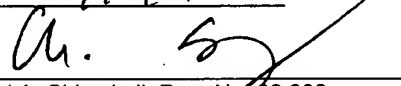
  
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